

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

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In Re:

**Billy W. Brockington And Angela E.  
Brockington**

Case No. 10-81479  
Chapter 13

Social Security No. xxx-xx-9237 and xxx-xx-7605  
Address: 112 S. Woodcrest Street, Durham, NC 27703-

Debtors

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**REQUEST FOR PRODUCTION OF DOCUMENTS**

To: Wells Fargo Bank, N.A.  
Creditor named in this Chapter 13 Bankruptcy case.

The Debtors above-named dispute the amount of pre-petition delinquency claimed by Wells Fargo Bank, N.A. as set forth in the Proof of Claim filed in this case and believes that certain payments may not have been properly credited to the Debtors.

Pursuant to Federal Rules of Bankruptcy Procedure 9014 and Rules 34 and 26 (b) F.R.Civ.P., the Debtors request you to respond within 30 days to the following requests by producing for inspection and copying by Debtors' Attorney at his offices located at 1738-D Hillandale Rd., Durham NC 27705.

**In addition, the request shall also be considered a qualified written request under the Real Estate Settlement Procedures Act, codified as Section 2605(e) of Title 12 of the United States Code.**

Instructions For Request For Production Of Documents

You may produce a photocopy in lieu of the original of any document or thing requested.

This is an ongoing Request For Production of all documents of things now in existence or hereafter obtained at any time prior to final entry of judgment in this case. Federal Rule of Bankruptcy Procedure 7034 and Rule 34 F.R.Civ.P. provide, among other things that: Documents falling within this Request which must be produced are those which are in possession, custody, or control of you or your agents. You or your agents need not presently have physical custody, as the right to ask for and receive the documents or things is sufficient for them to fall within the group of documents or things to be produced in response to this Request.

You must either produce the documents as they are kept in your usual course of business, such as in their file jacket, or you must compile, organize and label them to correspond to the categories in this Request. If you object to a Request, you must state the reason for objection in writing. If you object to part of a Request, you must specify the part. If you object on the ground that the information sought is beyond the scope of discovery, you must nevertheless answer the Request to

the extent that it is not objectionable. If you respond to a request for discovery with a response that is complete when made, you are nevertheless under a duty to supplement the response to include information thereafter acquired. For instance, without limitation, you must supplement or amend your response, if you obtain information which shows (and failure to amend your response in light of such information is in substance a knowing concealment) your earlier response was incorrect when made, or your earlier response, although correct when made, is no longer true.

#### Definition For Request For Production Of Documents

"Document", "writing" and "report" means any written or graphic matter or other means of preserving thought or expression and all tangible things in which information can be processed or transcribed including, but not limited to, correspondence, messages, telegrams, contracts, memoranda, studies, surveys, charts, drafts, books, financial statements, ledgers, transcripts, affidavits, tapes, tape recordings, video tapes or recordings, compact disk, optical disk, material read by laser scanning, computer disks, computer tapes, computer printouts, and information stored in data processing or retrieval systems, whether originals, copies of drafts, however produced or reproduced.

"You" means you and any predecessor-in-interest to the debt now owed to you by the Debtors.

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

Please produce a document which sets forth a detailed **payment history** concerning the debt owed to you by the Debtors, for the period from January 31, 1995 to the date of this request. Please make sure the payment history includes all of the following information:

- (1) An itemization regarding all of the following types of transactions:
  - (a) Each and every monetary amount by which you charged to or debited any and all of Debtors' account with you, whether concerning principal, interest, late charges, appraisal fees, insurance, taxes, foreclosure fees, attorney fees, legal costs, property inspections, property preservation, NSF check charges, escrow, appraisal or otherwise,
  - (b) Each and every payment made by or on behalf of the Debtors to you, and
  - (c) Each and every amount, other than payments, by which you credited the Debtors' account.
- (2) For each and every such charge and for each and every debit transaction, provide the date it was posted to the Debtors' account, the amount thereof, the type of charge or debit, the resulting balance due and owing on the account, and information sufficient to identify the purpose for the debit.
- (3) For each and every such payment transaction, provide the date it was posted to the Debtors' account, the amount thereof, and the resulting balance due and owing on the account.
- (4) For each and every such credit (other than payments) transaction, provide the date it was

posted to the Debtors' account, the amount thereof, and the resulting balance due and owing on the account.

- (5) To the degree available in your records, for each and every payment, provide: (a) The manner of payment, whether by personal check, money order, cashier's check, bank check or otherwise, and also (b) Any number or other information in your control that would further identify the payment, as for instance, and without limitation to the type of payment or type of information, check numbers, money order numbers, etc.
- (6) A legible and/or detailed explanation sufficient to allow for a layman's full understanding of all the data provided.

Date: October 22, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s Edward Boltz  
Edward Boltz  
Attorney for Debtors'  
N.C. State Bar No.: 23003  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
(919) 847-9750

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**CERTIFICATE OF SERVICE**

I, Renee Nolte, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on October 22, 2010, I served copies of the foregoing **REQUEST FOR PRODUCTION OF DOCUMENTS** electronically or when unable, by regular first-class U.S. mail, addressed to the following parties:

WELLS FARGO BANK, N.A.  
**Attn: Managing Agent**  
S/B/M Wells Fargo Home Mortgage, Inc.  
3476 Stateview Boulevard  
Fort Mill, SC 29715-

WELLS FARGO BANK, N.A.  
**Attn: Managing Agent**  
Post Office Box 10368  
Des Moines, IA 50306-0368

Brock & Scott, PLLC  
Attorney for WELLS FARGO BANK, N.A.  
5431 Oleander Drive  
Suite 200  
Wilmington, NC 28403-

U.S. Bankruptcy Administrator

Richard M. Hutson, II  
Chapter 13 Trustee

/s Renee Nolte  
Renee Nolte